

where the service is to be provided. A copy of the original sales contract for the purchase of the goods must be shown at the border, and your proposed activities must be supported by clear wording in the contract.

Those seeking entry to perform after-sales services must possess specialized knowledge essential to the seller's contractual obligation. Specialized knowledge is considered to be a very high degree of knowledge that can only be imparted to an already skilled person through extensive training.

Regardless of the existence of the wording in sales, warranty or service agreements, a business visitor is not considered to be performing after-sales service if that person is to perform hands-on building and construction work. However, a person can supervise or train workers performing installation, repair or maintenance work that involves building or construction work.

2. PROFESSIONALS

The cross-border movement of professionals listed in Appendix 1603.D.1 of the NAFTA (see attached) is facilitated between member countries. Professionals are exempt from the job-validation process normally required of individuals looking to enter a foreign country's labour market.

GENERAL QUALIFYING CRITERIA

To qualify as a professional under the NAFTA you must meet the following criteria:

- you are a citizen of a member country;
- the occupation you are to be engaged in is listed in Appendix 1603.D.1 of the NAFTA (see attached);
- you are qualified to work in the occupation in which you are to be engaged;
- you have pre-arranged employment or a contractual agreement with an entity located within the country to which you are seeking temporary entry; and
- you meet existing immigration requirements for temporary entry.

You will need to provide documentation indicating:

- the professional-level activity to be carried out;
- your job title;
- a summary of your job duties;
- the starting date and expected length of the temporary stay; and
- the arrangement for remuneration.

This documentation can take the form of:

- a signed contract between you and an enterprise; or

- a letter from your prospective employer(s) confirming that employment has been offered and accepted; or
- a letter from your present employer confirming that you are entering the member country in order to render professional services pursuant to a signed contract between your employer and an enterprise located within the country to which entry is being sought. (An enterprise can be an individual as well as an entity.)

Proof of your professional-level qualification can be demonstrated by presenting certified copies of your educational or alternative credentials. Proof of citizenship can best be demonstrated by presenting a passport. You will also need to demonstrate to immigration officers that you have no plans to reside indefinitely in the country to which you are seeking entry. Once entrance has been granted, you are entitled to work for, or provide services to, only the enterprise(s) indicated on your employment authorization. Professionals must also comply with all applicable state, provincial or local certification, registration or licensing requirements before commencing work.

SELF-EMPLOYED PROFESSIONALS

Pursuant to a contract under this category, a self-employed business person may enter a member country to engage in activities such as performing training functions relating to the profession, including conducting seminars. However, those wishing to enter solely for the purpose of either being self-employed in the country where entry is sought, or establishing a professional practice also in the country to which entry is sought, do not qualify under this category. Business persons looking to establish a business in a foreign member country may wish to investigate applying for temporary entry in either the intra-company transferee or trader-and-investor categories.

CANADIAN PROFESSIONALS ENTERING THE UNITED STATES

Professionals will be expected to meet the "General Qualifying Criteria" listed above. Application can be made at any U.S. port of entry. No forms need to be completed and determination can be made at the time of application.

You will be issued a record of entry document (I-94) indicating the classification code TN, which serves as your employment authorization. Present the I-94 to the U.S. Social Security Administration to receive a social security number. There is a US\$50 processing fee.

Professionals can renew their status annually and there is no limit on the number of years during which they can remain within the U.S. under this classification. However, when seeking renewal you will be expected to demonstrate